

REMARKS

The above amendments and following remarks are responsive to the points raised in the August 5, 2005 non-final Office Action. Upon entry of the above amendments, Claims 1, 3, and 9-11 will have been amended, Claims 2, 6, and 7 will have been canceled, and Claims 1, 3-5, and 8-11 will be pending. No new matter has been introduced. Reconsideration is respectfully requested.

Acknowledgement of Priority Documents

Applicant hereby requests that the Examiner acknowledge receipt, by the United States Patent and Trademark Office (USPTO), of the certified copies of the two earlier filed Japanese applications, i.e., JP 2002/318,815, filed October 31, 2002, and JP 2003/359,242, filed October 20, 2002, that were filed on January 9, 2004 (Certificate of First Class Mailing Date: January 6, 2004) upon which priority under 35 U.S.C. 119 has been claimed.

A review of USPTO file history contents for the present application, via the private Patent Application Information Retrieval service, or Private PAIR, available through the USPTO Internet web site, reveals that the certificate copies of the above Japanese applications were, in fact, been received. Verification and acknowledgement of the USPTO's receipt of the certified copies would complete the record and be appreciated by Applicant.

Response to Rejection under 35 U.S.C. § 103(a)

Claims 1 and 8-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Document JP2002059559 to Yasunari et al. (Yasunari) in view of US Patent Application Publication US 2004/0257392 A1 to Brenner et al. (Brenner). Claims 4 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasunari in view of Brenner, and further in view of US Patent 5,942,043 to Suemune. Claims 2 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasunari in view of Brenner, and further in view of US Patent 6,817,694 to Kawasaki et al. (Kawasaki). Applicant respectfully traverses these rejections.

As further set forth below, the Examiner has indicated the allowability of the subject matter introduced in Claims 3 and 7 if rewritten in independent form and including all of the limitations of the base claim and any intervening claim. In the interest of expediting the prosecution of the present application, Applicant has amended independent Claim 1 to include all of the limitations introduced in dependent Claim 7 and including all of the limitations of intervening Claims 6 and 2. Applicant has likewise amended Claims 9-11 in a manner consistent with the above amendments to Claim 1. As such, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Allowable Subject Matter

Claims 3 and 7 have been “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Applicant concurs with the Examiner’s findings.

CONCLUSION

Applicant respectfully submits that Claims 1, 3-5, and 8-11 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4503, Order No. 1232-5189.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: September 13, 2005

By: 

Brian W. Brown

Registration No. 47,265

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
Three World Financial Center
New York, NY 10281-2101
(212) 758-4800 Telephone
(212) 751-6849 Facsimile